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Liberty

NOT THE DAUGHTER BUT THE MOTHER OF ORDER — PROUDHON

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"For always in thine eyes, O Liberty!
Shines that high light whereby the world is saved;
And though thou slay us, we will trust in thee."

JOHN HAY.

On Picket Duty.

Mr. Yarros's edition of Lysander Spooner's "Trial by Jury" is completed. When it is published in pamphlet form, it will be one of the best things for Anarchist propagandists to circulate far and wide as a means of popularizing the true conception of political liberty.

The editors of the "Twentieth Century" are now openly advocating free money. This doubtless is the best answer that could be given to the question which I addressed to them recently in reference to their adverse criticism of the doctrine of the "Mutual Bank Propaganda."

Mr. Hugo Bilgram possesses the faculty of expressing his opinions clearly and forcibly, and Liberty would gladly welcome a statement of his reasons for advocating government management of financial interests rather than free and mutual banking. A discussion of this vital point cannot fail to be highly useful.

Every reader should subscribe to the new Boston reform paper, "Waterman's Journal." Its quality may be judged by the extracts in recent issues of Liberty. If not an organ of thoroughgoing Anarchism, it is at least an exceedingly able and scientific exponent of Spencerian individualism. I heartily wish that every intelligent man now interested in the social problem and hesitating between individualism and nationalism would compare "Waterman's Journal" with the "Nationalist," — the mature logic of the first with the rant and rhetoric of the other.

Guy de Maupassant says that "man, agitated to the last degree by the passion to rule somebody, invented tyranny, slavery, and marriage." The last shows how skilful men are in devising means to gratify their appetites. To be a tyrant or slaveholder, one must be in a certain sense superior to the average man, — stronger or more cunning. But not everybody possesses such superiority. Then there are certain perils attached to the exercise of tyranny: there is the fear of revolt on the part of the subjects and slaves. So marriage was invented. Anybody can become a husband and a master of one being over whom he may tyrannize without fear or hindrance.

Professor Sumner's magazine article showing that industrial peace is not desirable is vigorous and sound enough relatively to the tiresome and meddlesome activity of the philanthropic reformers and the designs of the chivalrous gentlemen who are determined to fight for the peace of Warsaw and to *enforce* universal equality and harmony. Better industrial war than the Warsaw peace, a thousand times better. But what the professor perversely declines to grasp is the truth that this industrial war is the direct result of just such improper and unwarrantable denials of freedom, on the part of the self-seeking monopolists now in power, as he so unsparingly denounces in the schemes of the benevolent would-be monopolists who would save society by force. Our complaint, professor, is that the industrial war is forced upon us by tyrannical restrictions, and, to prove this, we do not ask anything more than true political and industrial liberty.

When Mr. Pentecost avers that "it looks as if there are a few Anarchists who would rather see the world go to ruin than to have it saved by any other process than their own," he is certainly wrong. He simply does not distinguish between a positive, emphatic expression of a personal conviction and a feeling or emotion of intolerance. The word "world" is confusing. What Anarchists really object to is being made "happy" by others without being consulted as to their own conception of happiness. They insist that Mr. Bellamy, or Mr. George, or any other saviour, while at liberty to save himself and his admirers in any way he chooses, shall not attempt to force his tastes and notions upon the unwilling. The "world" is not made up of Bellamists and Georgeites alone, thank heaven! and those of us who have opinions of our own excuse the self-elected dictators from taking care of us.

So anxious is Frederic Harrison to gain a point for the movement he espouses that he does not hesitate to make a mountain of a mole-hill. The recent victory of the London strikers is hailed as an event of historical significance, and the fact that the strikers were led by a Socialist is taken as an indication of a new departure in the labor movement, — the first step in the direction of a new unionism equally free from the extreme aims of revolutionary Socialists and narrow work of labor benefit-societies. The new union is to continue the fruitful work of the strike, — namely, the effort to "moralize" capital, for therein lies the solution of the labor problem. Now, I rejoice at the success of the strike, but it is useless to magnify it. Capital is not more moral today than it was a few years ago; only it is more crafty and prudent. It yielded because it feared, and also because it was so urged and advised by high representatives of the Church-State Swindling Association, who found that small sacrifices avert great dangers.

In Mr. Bilgram's "Involuntary Idleness" the following passage occurs: "The thorough ventilation which the relation of rent to the social problem has received through the works of Ricardo and his followers, especially Henry George, while showing that a lowering of the margin of cultivation can account for a lowering of wages by a reduction of the productivity of labor, has brought forth no clear explanation for the *excess* of the supply of commodities and services. As long as there exists any uncultivated land capable of affording a living to its cultivator, the law of rent cannot account for enforced idleness." In other words, the single-tax is no solution of the labor problem, and the thunders and tears of "Progress and Poverty" are ludicrous in their inappropriateness and uselessness. That is just what Liberty has continually asserted, and it is very glad that Mr. Bilgram, who expects economic rent to be distributed in some fashion, so emphatically subordinates this desideratum to the study of the ways and means by which labor can gain the upper hand in the market and capital be deprived of its usurping powers. Free money and free land will solve the labor problem, and give us progress without poverty.

Those aggressive and ubiquitous reactionary writers, Lilly and Mallock, in savagely attacking the spirit of the age, generally bring the charges of indefiniteness, inexactness, cowardice, inconsistency, and vagueness against those whom they assume to be the representatives of "the Revolution." Thus are Morley and Spencer, Mill and Harrison continually attacked. Well, it is not difficult for keen-witted controversialists to triumph over their moderately radical opponents. But just as Stephen's "Liberty, Equality, and Fraternity" was only a refutation of Mill, not of those who, like Warren and Andrews and Spooner, had the intellect and the bravery to follow out the logic of Mill's positions to their ultimate conclusions, so the assaults of Lilly and Mallock can only affect those who imperfectly expound and defend the General Idea of the Revolution of the Nineteenth Century. When these are vanquished, there are still the real radicals, the consistent antagonists of Church and State, the Anarchists, to hear from. And when I think of the struggle between these and the champions of an absurd theology and a rotten, effete State, and of the inevitable fate of the latter, I almost become sorry for them.

"At a time when Guizot was prime minister of France and Thiers leader of the opposition, the latter, in a political debate, was criticising the government, when Guizot indignantly exclaimed: 'But you and your friends do nothing but criticise us. What would you do if you were in power in our place?' 'We would sing the same song you are singing, only we would sing it better,' calmly replied Thiers. This was a frank confession for a practical politician to make. Were the professional politicians in this country as candid, the majority of those out of office, no matter to what party belonging, would admit that, were they in power, they 'would sing the same song.' The professional politicians of the outs are always fierce in criticism of the ins, and strong in promises of reforms should they be intrusted with power. But, when they are placed in power, they 'sing the same song.' Probably they think that they 'sing it better,' but that is a matter of taste. Our people must recognize this fact, — that no matter what set of professional politicians are placed in power, they will 'sing the same song.'" To these editorial observations of the "National Economist" Liberty would add: "And recognizing this fact, they must resolve to boycott the singers."

I have not yet seen any notice or review of Hugo Bilgram's "Involuntary Idleness" in the "Standard," but it seems that Mr. Pentecost's agitation among the single-tax sect has not been altogether without effect. Contrary to his traditions and inclinations, Henry George prints "a condensation of a long communication from Mr. Alfred B. Westrup, of what styles itself the 'Mutual Bank Propaganda,' in reply to a criticism by Thomas G. Shearman upon a circular issued by that concern." And by way of reply to Mr. Westrup's arguments, he makes the following luminous observations: "Who would profit if everybody were allowed to issue money? Evidently the richer class, who could start banks and issue money, and the large employers of labor, who could in many cases force money on their employes.... If the free money people had their way, Holloday's pasteboard checks would be lawful money of the United States, and pretty much every large employer would constitute himself a bank and begin issuing this sort of money." It is not at present necessary to dispose of these confident statements, but only to again call Mr. George's attention to Mr. Bilgram's book, and to challenge him to disprove that the abolition of interest would follow upon the freedom of monetizing all valuable property. If by honest confession or silence he will indicate his inability to do this, it will be an easy matter to expose the vulgar error involved in the statements quoted above.

THE RAG-PICKER OF PARIS.

By FELIX PYAT.

Translated from the French by Benj. R. Tucker.

PART FOURTH.

THE STRUGGLE.

Continued from No. 152.

His companion, in corroboration, exhibited a pocket-book full of bank-bills.

"What affair?" said Mme. Potard again, still on her guard.

"Oh! not so many airs," exclaimed Jean. "You needn't be afraid, I tell you. Hold out your hand; we bring you your share."

"My share?"

Then Jean said abruptly:

"You refuse? . . . . So much the better! Good evening, Madame."

He turned on his heel, took his comrade by the arm, and started for the door.

Madame Potard ran after them.

"Eh? What is it? What did you say?"

"Nothing! Nothing! We will keep the whole," declared Jean.

Madame Potard was sweating big drops.

"One moment!" she exclaimed. "Just listen; I did not understand, on seeing you two so unexpectedly; I did not know that Monsieur. . . . . Ah! he is connected with the affair?"

"It was necessary, you see," insinuated Jean, retracing his steps. "I was not presentable, in my pitiful costume. For a baron, it requires a *Mossieu;* see, this gentleman is a *Mossieu,* and a substantial one."

"Oh! Madame understands," said the substantial *Mossieu.*

Jean continued:

"So I took a partner . . . . with a black coat, as capital. A black coat and gloves, — with those everything is all right."

"I perceive," said Madame Potard, still anxious.

"We come, then, dear Madame, to make an honest division of the money," said Jean, emphasizing the last word.

The word money had its usual effect upon the midwife.

"All right," said she, thoroughly enlightened. "Better late than never. Be seated, then."

Jean turned to his companion.

"Give her her share."

"Her share and my heart," said the partner, gallantly taking Madame Potard around the waist.

Madame Potard quickly released herself, saying:

"Oh! come, come!"

And seriously:

"How much?"

Then joyfully:

"And to think I had given you up! May one offer a drop to these gentlemen?"

"No, thank you," said Jean.

Madame Potard, however, went to her table on which a case of liquors stood, saying at the same time:

"And the share? . . . Is it large?"

"Why, yes, it is fat," said Jean; "but with three of us . . . that cuts the slices down a bit."

"How much then?" exclaimed Madame Potard, in a disappointed tone and seeming already to regret the three full glasses.

Jean replied emphatically:

"We have drawn from the baron thirty pretty notes like those he paid to you. Your health, Madame Potard."

He made a pretence of drinking, but, turning around a little, he emptied the little glass into his hat.

"Thirty thousand francs!" cried Madame Potard, disappointed.

Jean, pretending to misunderstand, repeated the sum, dwelling on each syllable:

"Yes, thir . . . ty . . . thou . . . sand francs!"

"It is little," exclaimed Madame Potard, with an expression of disdain. "Is that really all you got? You rob me!"

"Ah! Madame Potard, for whom do you take us? Your associates!"

"Then fifteen thousand francs for me," declared Madame Potard in a tone that seemed final.

"Ten, my good woman; there are three of us," said Jean, by way of correction.

But the midwife would not listen.

"Not at all! Nothing of the kind! I want fifteen thousand francs. I did not agree to a division into three parts. You said nothing to me about it; it was on your own responsibility that you took a partner. So much the worse for you. That's your lookout. I gave the letter for a half, not for a third. I want my half."

"Greedy creature! And what about us then?"

"Divide with the other; that is your affair."

"But we shall have nothing but the crumbs."

Madame Potard was inflexible.

"It is not my fault, really," said she. "It has not brought enough. You have managed it badly. I thought you were more cunning. With such a secret you ought to have broken the bank."

Jean drew nearer, at the same time making to his companion an imperceptible sign that escaped Madame Potard.

"We did our best," he declared.

And, lowering his voice, he asked:

"Then you really got but twenty thousand francs for putting the child into paradise."

"Hush!" exclaimd the frightened midwife.

"All right, let us say no more about it," said the rag-picker in a conciliatory tone. "I don't wish to argue the point; perhaps I should lose. After all, it is just, and if we were not honest with each other. . . . So no more chicanery. A bargain's a bargain. My friend and I will waive this point, and arrange between ourselves as we can. You must have half," he continued, while the unknown drew the notes from the pocket-book and passed them to him one by one. "There you are!"

"That's all right," said Madame Potard, softening down. "The good friends. Received!"

Nevertheless she counted the notes again.

"Fifteen! That is the account. Minus two, the burned ones. . . . I want those also."

The rag-picker feigned anger.

"Ah! You ask so much! . . . There, glutton, eat the whole and die," said he, taking the rest of the notes and almost cramming them into the midwife's mouth.

"Come, let us not get angry," said she. "In business, profit and loss, you know."

She ran to put the precious papers in her desk, mumbling:

"Twenty-eight and fifteen, forty-three."

Jean, hearing her, said with a laugh:

"What a mathematician! A nice little sum for a rainy day."

"Not enough, all the same," sighed Madame Potard. "Appetite comes with eating."

"And yet it will be all," declared the rag-picker, with an air of regret. "Farewell, baskets. No way of returning to the plate without a spoon. I had to give up the proof for the cash, the letter against the money. The bird will sing no more."

"How do you know, booby?" said the midwife, nudging him with a mysterious air of superiority. "As well be hanged for an old sheep as a lamb."

Jean pricked up his ears.

"Oh!" said he, "if you still have something left."

"A little, my nephew. I have kept a pear, in case I should be thirsty."

"Far-seeing woman! Seek and you shall find," concluded Father Jean, seeing her start for her desk.

"Yes, prophet, two trumps!" replied Madame Potard, taking a paper from a drawer. "By way of precaution, I had the daughter's letter photographed. I gave the copy to you and kept the original myself. See!"

Jean pretended to succumb.

"Ah! for that stroke I marry you!"

"The original is well worth the copy, isn't it?"

"Much more! Bravo! A pair royal! Another thirty thousand francs at least. He will sing the entire opera."

"Yes, my orchestra-leader," exclaimed the triumphant midwife. "And always half for me!"

"Ah! this time, my queen, it is different," objected Jean. "Now there are three of us. We must consult the wishes of Monsieur."

And turning to the *associate,* who, during this whole scene, had been dumb but not deaf, he asked:

"What do you say?"

"Yes, Monsieur, what do you say?" echoed the midwife.

The stranger, laying his hand on her shoulder, answered:

"Madame Potard, in the name of the law I arrest you for the crime of infanticide and as the accomplice of Baron Hoffmann."

Madame Potard fairly leaped, while the officer ran to the door.

"What's this? I?"

"Yes, you, who have confessed, proved, given all the proofs," shouted Jean. "For here they are, all in hand and in this drawer, letter and notes, eight of which have the holes made by my hook. See!" he continued, addressing the police agent, who called two other officers and entrusted the midwife to their care.

The agent took possession of the contents of the desk.

"It isn't true! It isn't true!" screamed Madame Potard, struggling. "Ah! my notes, my dear notes!"

"No noise," said the agent. "We will decamp without drums or trumpets. You have only to attenuate your crime by serving justice against your accomplices."

In spite of the officers' hold, Madame Potard rushed at Jean, shaking both her fists at him.

"Ah! traitor! spy! it is you!"

The rag-picker bowed in a unique fashion, saying:

"What, no more love? Yes, rascal, the game is over. You will make no more angels. Paradise for sale!"

And the officers took the woman away.

CHAPTER IX.

THE COUNCIL.

A very big fish for a police commissary's net was the banker, Baron Hoffmann; and, even under the Republic, the magistrate hesitated to arrest a prince of the stock exchange, not daring to treat him like a vulgar assassin without first consulting his superiors.

So he went to notify the prosecuting attorney of the Republic, who in his turn was unwilling to take the responsibility of so important a step and sent him to the Minister of Justice, who referred him to the entire government.

In the same way Barabbas passed from Anne to Caiphas and from Caiphas to Pilate, before being arrested as the Just.

The council was engaged in the discussion of three serious, complex, and connected questions, the combined solutions of which were destined unhappily to bury the Republic.

These questions were:

1. The Roman war.
2. The national workshops.
3. The return of Prince Louis Napoleon Bonaparte.

On the first question the government had decided to send the mayor of Paris, Armand Marrast, to Gaëte to find the Pope and bring him to France, pending his reestablishment at Rome.

Which would favorably dispose the priests toward the Republic.

On the second, it had been decided that the national workshops should be abolished.

Which would favorably dispose the employers toward the Republic.

On the third point, two good friends of the prince, Jules Favre and Louis Blanc, who had Bonapartist leanings from sentiment and even from family, — at least Louis Blanc, — in spite of the secret admission made to them by the prisoner of Ham that he wanted the Empire, spoke in favor of the pretender, guaranteeing his republicanism and saying that his adhesion and return would result in the salvation of the Republic.

At this moment the Minister of Justice introduced the commissary of police, who propounded the fourth great question of the day, the affair of the banker, Baron Hoffmann.

At first the council was half incredulous and half scandalized, but in face of the proofs unfolded one by one by the commissary, it was necessary to come to a decision, solve the question in one way or another, execute the law, or else evade it by conniving at the escape of the accused.

Crémieux, a Jewish lawyer, full of metallic affinities and Minister of Justice, was for connivance.

Goudchaux, another Jew, Minister of Finance, was obliged to hold the same opinion through *esprit de corps.*

The Minister of War, Cavaignac, for several reasons obeyed a similar conscience. A sort of soldier-monk; a Catholic republican; dreaming of the presidency of the Republic by the grace of the Pope, to whom Hoffmann acted as banker through the Abbé Ventron; having married the daughter of a financier,—he was the rising sun, the hope of the bank, the sword of capital against threatening labor, a dictator readier to execute starving laborers than murderous bankers.

But Lamartine, one of the troubadour knights of the Restoration, puritanized also by his "History of the Girondists," had a horror of Turcarets, like the noble spendthrift that he was.

So he preluded against the banker with one of those guitars that he played so well. He sang equality before the law, human conscience, republican justice, etc.,—the whole sonata of rights and duties,—concluding democratically that it is not the same with rascalities as with negatives, and that two crimes cannot make an innocent man, even of a banker-baron.

Albert, the workman, Louis Blanc, the Socialist, and the Jacobin, Ledru, formed a chorus with the poet; and in spite of reasons of State, Church, and Bank, in spite of the three-fold interest of strong-box, altar, and throne, in spite of the highest political, religious, and plutocratic considerations, by a majority of one vote the council of the provisional government decided that the banker, Baron Hoffmann, this extraordinary culprit, must submit to the common law, and that justice must take its course.

CHAPTER X.

INTO THE BASKET!

Let us return to the house of the banker, Baron Hoffmann.

Claire has yielded. She has placed her heart upon the altar, sacrificing herself to save her father's bank and honor. Her mind is made up. A victim, if not an accomplice, she will marry Camille.

The day of the wedding, of the holocaust, has arrived.

In an elegant boudoir of the former Hotel Berville, the daughter of the baron is seated before a swinging mirror, while two maids arrange her bridal costume.

All about her exhales a festival perfume. Through the half-drawn portiere at the back, the illuminated greenhouse and garden shine like a firmament.

Claire, resigned and swallowing her tears, abandons herself mechanically to the care of the two *soubrettes*. She will go to the very end.

To be continued.

FREE POLITICAL INSTITUTIONS:

THEIR NATURE, ESSENCE, AND MAINTENANCE.

AN ABRIDGEMENT AND REARRANGEMENT OF

Lysander Spooner's "Trial by Jury."

Edited by VICTOR YARROS.

Concluded from No. 152.

In criminal cases, the atrocity of accusing a man of crime and then condemning him unless he prove his innocence at his own charges is so evident that a jury could rarely, if ever, be justified in convicting a man under such circumstances.

But the free administration of justice is not only indispensable to the maintenance of right between man and man; it would also promote simplicity and stability in the laws. The mania for legislation would be in an important degree restrained, if the government were compelled to pay the expenses of all the suits that grew out of it.

The free administration of justice would diminish and nearly extinguish another great evil,—that of malicious civil suits. It is an old saying that "*multi litigant in foro, non ut aliquid lucrentur, sed ut vexant alios.*" (Many litigate in court, not that they may gain anything, but that they may harass others.) Many men, from motives of revenge and oppression, are willing to spend their own money in prosecuting a groundless suit, if they can thereby compel their victims, who are less able than they to bear the loss, to spend money in the defence. Under the prevailing system, in which the parties pay the expenses of their suits, nothing but money is necessary to enable any malicious man to commence and prosecute a groundless suit to the terror, injury, and perhaps ruin, of another man. In this way a court of justice, into which no but a conscientious plaintiff certainly should ever be allowed to enter, becomes an arena into which any rich and revengeful oppressor may drag any man poorer than himself and harass, terrify, and impoverish him to almost any extent. It is a scandal and an outrage that government should suffer itself to be made an instrument in this way for the gratification of private malice. We might nearly as well have no courts of justice as to throw them open, as we do, for such flagitious uses. Yet the evil probably admits of no remedy except a free administration of justice. Under a free system plaintiffs could rarely be influenced by motives of this kind, because they could put their victims to little or no expense, neither pending the suit (which it is the object of the oppressor to do), nor at its termination. Besides, if the ancient common law practice of amercing a party for troubling the court with groundless suits should be adopted, the prosecutor himself would, in the end, be likely to be amerced by the jury in such a manner as to make courts of justice a very unprofitable place for a man to go to seek revenge.

In estimating the evils of this kind resulting from the present system, we are to consider that they are not by any means confined to the actual suits in which this kind of oppression is practised, but we are to include all those cases in which the fear of such oppression is used as a weapon to compel men into a surrender of their rights.

VIII.

JURIES OF THE PRESENT DAY ILLEGAL.

It may probably be safely asserted that there are at this day no legal juries, either in England or America. And if there are no legal juries, there is of course no legal trial, nor "judgment," by jury.

In saying that there are probably no legal juries, I mean that there are probably no juries appointed in conformity with the principles of the common law.

The term jury is a technical one, derived from the common law, and when the American constitutions provide for the trial by jury, they provide for the common law trial by jury, and not merely for any trial by jury that the government itself may chance to invent and call by that name. It is the thing, and not merely the name, that is guaranteed. Any legislation, therefore, that infringes any essential principle of the common law, in the selection of jurors, is unconstitutional, and the juries selected in accordance with such legislation are, of course, illegal, and their judgments void.

What, then, are the essential principles of the common law controllin the selection of jurors?

They are two.

1. That all the freemen, or adult male members of the State, shall be eligible as jurors.

Any legislation which requires the selection of jurors to be made from a less number of freemen than the whole makes the jury selected an illegal one.

If a part only of the freemen, or members of the State are eligible as jurors, the jury no longer represent "the country," but only a part of "the country."

If the selection of jurors can be restricted to any less number of freemen than the whole, it can be restricted to a very small portion of the whole, and thus the government be taken out of the hands of "the country," or the whole people, and be thrown into the hands of a few.

Any infringement or restriction of the common law right of the whole body of the freemen of the kingdom to eligibility as jurors, was legally an abolition of the trial by jury itself. The juries no longer represented "the country," but only a part of the country; that part, too, on whose favor the government chose to rely for the maintenance of its power, and which it therefore saw fit to select as being the most reliable instruments for its purposes of oppression towards the rest.

These restrictions, or indeed any one of them, of the right of eligibility as jurors, was, in principle, a complete abolition of the English constitution; or, at least, of its most vital and valuable part. It was, in principle, an assertion of a right, on the part of the government, to *select* the individuals who were to determine the authority of its own laws, and the extent of its own powers. It was, therefore, *in effect*, the assertion of a right, on the part of the government itself, to determine its own powers, and the authority of its own legislation, over the people; and a denial of all right, on the part of the people, to judge of or determine their own liberties against the government. It was, therefore, in reality, a declaration of entire absolutism on the part of the government. It was an act as purely despotic, *in principle*, as would have been the express abolition of all juries whatsoever. By "the law of the land," which the kings were sworn to maintain, every free adult male British subject was eligible to the jury box, with full power to exercise his own judgment as to the authority and obligation of every statute of the king which might come before him.

The principle, then, of the common law was that every freeman, or freeborn male Englishman, of adult age, etc., was eligible to sit in juries by virtue of his civil freedom, or his being a member of the State or body politic. But the principle of the present English statutes is that a man shall have a right to sit in juries because he owns lands in fee-simple. At the common law a man was *born* to the right to sit in juries. By the present statutes he *buys* that right when he buys his land. And thus this, the greatest of all political rights of an Englishman, has become a mere article of merchandise, a thing that is bought and sold in the market for what it will bring.

Of course there can be no legality in such juries as these, but only in juries to which every free or natural born adult male Englishman is eligible.

The second essential principle of the common law, controlling the selection of jurors, is that, when the selection of the actual jurors comes to be made (from the whole body of male adults), that selection shall be made in some mode that excludes the possibility of choice *on the part of the government.*

Of course this principle forbids the selection to be made *by any officer of the government.*

There seem to have been at least three modes of selecting the jurors, at the common law. 1. By lot. 2. Two knights, or other freeholders, were appointed (probably by the sheriff). 3. By the sheriff, bailiff, or other person, who held the court, or rather acted as its ministerial officer. Probably the latter mode may have been the most common, although there may be some doubt on this point.

At the common law the sheriffs, bailiffs, and other officers *were chosen by the people instead of being appointed by the king.* At common law, therefore, jurors selected by these officers were legally selected, so far as the principle now under discussion is concerned; that is, they were not selected by any officer who was dependent on the government.

But in the year 1315, one hundred years after Magna Carta, the choice of sheriffs was taken from the people, and it was enacted:

"That the sheriffs shall henceforth be assigned by the chancellor, treasurer, barons of the exchequer, and by the justices. And in the absence of the chancellor, by the treasurer, barons, and justices."—9 *Edward II.*, st. 2. (1315.)

These officers, who appointed the sheriffs, were themselves appointed by the king, and held their offices during his pleasure. Their appointment of sheriffs was, therefore, equivalent to an appointment by the king himself. And the sheriffs thus appointed held their offices only during the pleasure of the king, and were of course mere tools of the king; and their selection of jurors was really a selection by the king himself. In this manner the king usurped the selection of the jurors who were to sit in judgment upon his own laws.

Here, then, was another usurpation by which the common law trial by jury was destroyed, so far as related to the county courts in which the sheriffs presided, and which were the most important courts of the kingdom. From this cause alone, if there were no other, there has not been a legal jury in a county court in England for more than five hundred years.

In nearly or quite all the States of the United States the juries are illegal, for one or the other of the same reasons that make the juries in England illegal.

In order that the juries in the United States may be legal — that is, in accordance with the principle of the common law — it is necessary that every adult male member of the State should have his name in the jury box, or be eligible as a juror. Yet this is the case in hardly a single State.

There has, probably, never been a legal jury, nor a legal trial by jury, in a single court of the United States since the adoption of the constitution.

These facts show how much reliance can be placed in written constitutions to control the action of the government and preserve the liberties of the people.

If the real trial by jury had been preserved by the courts of the United States—that is, if we had had legal juries, and the jurors had known their rights — it is hardly probable that one tenth of the past legislation of Congress would ever have been enacted, or, at least, that, if enacted, it could have been enforced.

Probably the best mode of appointing jurors would be this: Let the names of *all* the adult male members of the State, in each township, be kept in a jury box by the officers of the township; and when a court is to be held for a county or other district, let the officers of a sufficient number of townships be required (without seeing the names) to draw out a name from their boxes respectively to be returned to the court as a juror. This mode of appointment would guard against collusion and selection; and juries so appointed would be likely to be a fair epitome of "the country."

Liberty.

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"In abolishing rent and interest, the last vestiges of old-time slavery, the Revolution abolishes at one stroke the sword of the executioner, the seal of the magistrate, the club of the policeman, the gauge of the exciseman, the erasing-knife of the department clerk, all those insignia of Politics, which young Liberty grinds beneath her heel." — PROUDHON.

☞ The appearance in the editorial column of articles over other signatures than the editor's initial indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word. But the appearance in other parts of the paper of articles by the same or other writers by no means indicates that he disapproves them in any respect, such disposition of them being governed largely by motives of convenience.

Origin and Nature of Rights.

In the "Individualist" of September 9, Mr. Stuart makes his rejoinder to me upon the question of natural right *versus* social utility; but, although he takes up much space with it, he not only fails to fortify his position, but hardly can be said to have succeeded in rendering it clearer and more self-consistent. The three or four queries which Mr. Stuart addresses to me and upon which he asks me to enlighten him, I must for the present leave unanswered; — not because I do not consider them pertinent or perfectly legitimate, nor because I am not prepared to make explicit, confident, and frank answer, but because, in this discussion, I am exclusively interested in determining and testing the precise value of Mr. Stuart's views and methods, in showing him that they suffer under probation, and in obtaining from him the admission that they need amendment and modification. For this reason I urge upon Mr. Stuart to limit himself to a defence of those points which I am persistently attacking, in order that the final issue may the more speedily be decided. Then, it is needless to say that I shall take pleasure in following Mr. Stuart into any particular spot in the domain of Anarchistic reasoning which he may point out as being scantily illuminated.

Strangely contradicting himself, Mr. Stuart, while predicating that "law, applied to man as a social being, is that rule of human social conduct the observance of which is conducive to happiness and the non-observance of which is destructive of happiness," refuses to acknowledge that civilization creates rights and that individual rights have no source other than social expediency. One would think that, as an evolutionist and utilitarian, he must recognize that, instead of ascertaining our rights in social life by the deductions of right reason, we develop them by observing phenomena and learn them from experience. A social animal no more could or can ascertain by the deductions of right reason that it is reprehensible to steal or deceive than a child could, by the same method, discover that fire burns or that certain weeds have a poisoning effect upon the organism. As long as the Bushman found it perfectly pleasant and safe to steal other men's wives, he could not and did not ascertain that it is just as bad to steal another's wife as to have his own dragged away by another. But when, under a certain degree of civilization, it became extremely inconvenient and risky to pursue such amusement, the conceptions of right and wrong regarding that matter underwent an important change. The notion that, because a rule of conduct is right, or expedient, today, it was right a thousand years ago, and will be right a thousand years hence, is so preposterous that the man who entertains it stands convicted of utter ignorance of anything like a scientific and philosophical view of history. At one time war was an agency of progress, and so was slavery; now they are no longer so. These are now wrong; they both were once right. If comparative sociology inculcates one lesson more strongly than another, it is the lesson that abstract unconditioned rights, like free-will, are disfranchised in the republic of the social sciences and treated as unreal, immaterial shadows which serve only to haunt and paralyze feeble intelligences.

Upon this point, and in direct negation of Mr. Stuart's contentions, let us hear John Morley: "Moral truth is only a set of individual propositions, and there is not one of these propositions which any rational person now holds to be, and to have been, a universal obligation upon all persons under all circumstances at all times. We may believe that moral truth is immutable, as soon as we have found any one moral precept immutable, and not before. In the most primitive times there was such a crime as murder: there was a moral precept against killing persons standing in *some* relation to one. But the precept, 'Thou shalt not kill,' is meaningless until the question has been answered, 'Thou shalt not kill *whom?*' Nobody can say that the answer to this question is always the same. So that the only immutable part of the precept is that which is meaningless. Closely examining persons can only mean by the immutability of moral truth that under all circumstances there is such a thing as duty, some obligation incumbent on every member of society."

What a man absolutely free from the direct and indirect influences of civilization, or socialization, might be, my mind refuses to picture. We only know socialized beings; but we see and hear of a vast number of different societies and civilizations. Each society has its own ideas of right and wrong, is governed by its own more or less peculiar laws. And within each society there are further divisions of men into classes, with varying degrees of civilization, or socialization, or humanization, each class having its own more or less distinct ideas of conduct and organization. To be sure, all these divergences can be accounted for, and some of them we are able to account for, by tracing the particular conditions under which the given class, or the society, lived and grew. But the only generalization which a scientific study of history permits is that, by virtue of natural selection, which never ceases to operate, all societies destined to be saved from the wholesale slaughter of the unfit and ill-adapted will ultimately come to resemble a certain type, the superiority of which is more and more becoming manifest. And the superiority is not due to deductions of right reason, but its right reason (relatively to the inferior, wrong reason of less civilized types), together with its right feeling, are due to numerous causes which it is the task of sociology to bring out and elucidate. For a knowledge of the fruit, we must interrogate the conditions of its production.

Let us examine in what sense we individualists may rationally and intelligently use the terms "right to liberty," etc., which we frequently employ. Here are many of us — would there were more! — who, owing to certain exceptional advantages, have a keener understanding and a more liberal disposition than the majority of the people. We are profoundly convinced that society would be less burdened with portentous evils and more certain of a healthy progress if certain things that are neglected or abjured were assiduously cultivated and if certain other things that are practised and worshipped were put away and relinquished forever. We accordingly argue, plead, expostulate, and even denounce, all with the sole intention of opening the eyes of the society in which we move to the high merit of our proposals. Even when we grow violent and abuse our opponents for violating our rights, we mean in reality nothing more than this: "You who are proud of your greatness and perfection; you who claim to love and trust liberty; you who call yourselves a free people, — do you not see that common sense and logic oblige you to accede to our requests as truly reasonable and surely productive of nothing but weal and felicity for the whole? Either lend us an attentive ear, or we brand you as fools and hypocrites!" Hence in claiming a "right" to something, we simply imply that from the standpoint of our opponents themselves we ought to be allowed to do, or have, that thing. While, on the other hand, any honest opponent, in denying our appeal, implies that he emphatically dissents from our view of the social necessity or advantageousness of the proposed reform, and anticipates therefrom only ruinous consequences. But on neither side is there any pretence of a higher sanction than that of expediency.

Between collectivists and individualists, I am aware, it is customary to define the difference as one of principle, — the allegation being that the former endow society with all rights, while the latter endow the individual with them. And indeed, there are still many collectivists who have preserved enough of their natural ignorance to talk of the abstract justice of majority rule and the morality of sacrificing the individual will to that of the body politic. But they cannot be taken to represent the scholarly and thoughtful portion of collectivist adherents, with which alone discussion is profitable. Marxian Socialism and Fabian Socialism are "in contempt of question" free of these puerile notions. The first claims, rightly or wrongly, to base itself on historical necessity, and to be a product of economic evolution rather than a deduction of right reason or a manifestation of the will. The second declines to dogmatize about justice or right, and squarely plants itself on the ground of expediency. They do not think that the majority of the people can achieve wellbeing under an individualistic society, and hence advise them to protect their vital interests by abolishing competition. Now, what shall we say, what can we say, to these people? That we have a natural right to free trade, free labor, free exchange, free action in general? They do not understand what that means, and are arrogant enough to tell us unequivocally that we ourselves use words without meaning. They justly demand to have it explained to them in dry scientific terms how exploitation of the people by the few idlers can be stopped, and equality of opportunity secured, by the means that we recommend. If individualism is incompatible with their ideal of social life, they will not be induced to consult our wishes and ideas of right, but will ruthlessly trample under foot every part and parcel of this obnoxious individualism. Either, then, we can prove that liberty would remedy present evils, or we cannot. If we can, there is no need to appeal to any abstract rights; if we cannot, there is no use in introducing this irrelevant and unintelligible conception.

Mr. Stuart, if I am not mistaken, is a Darwinian, but his method of ethical investigation is decidedly pre-Darwinian and metaphysical. If sociology is to take its place among the sciences, its truths must be verifiable. That is right for men which is good and useful for men. That is good and useful which can be proved to be so to any ordinary intelligence. What is good for one society, however, may be bad for another differently conditioned. What is good at one stage of development may become pernicious at a succeeding stage. Hence rights are not abstract, universal, immutable, but concrete, relative, local, and variable.

V. Y.

By Way of Reply.

And so, Comrade Tucker, you also consider that I take "no pains to get at the real meaning" of those I criticise? Well, let all that pass; life is too short to waste in defending against such charges; there is no more disputing about critical opinions than about tastes.

But leaving the general charge, I do not see what cause Mr. Yarros had for complaint in this particular instance. It would be too much to expect you to believe me; nevertheless I must say that I "took pains" to comprehend him, and understood him to assert that the true basis of individualism was social expediency; to declare, in the most unequivocal language, that there was nothing whatever in nature to interdict such a policy as tyranny or slavery; that human rights owed their origin and existence to civilization, and that the Denver paper's claim that Spencer's maxim was a scientific formula was a crude mistake.

Was I mistaken? These are the only points to which I alluded.

Mr. Yarros says that I assumed that the "Individualist" meant, in speaking of natural right, just what I thought it ought to mean. I assumed nothing of the kind; there is not a word in my article having any reference to the meaning, or views, of the "Individualist." Evidently, Mr. Yarros sometimes "takes no pains," etc. It was sufficient for my purpose to show that there was a sense in which the term natural right could be properly and scientifically used to

justify its employment by any one as a watchword. This I endeavored to do *from my own standpoint*.

My contention, in opposition to Mr. Yarros, was that the true basis of individualism was *individual* expediency, the benefit of the individual, or his natural right to a normal development; that nature did interdict tyranny and slavery; and that human rights were inherent in the nature of man and his relations to his environment.

Mr. Yarros, whose development appears to be in that peculiarly uncivilized stage which is incapable of intellectual antagonism without the accompaniment of emotional dislike, is very careful never to omit an opportunity, in criticism or debate, to intimate that his opponent is more or less of a knave or a fool. In my case, with more than his accustomed generosity, he describes me as both so knavish as not to try to do justice to my opponents, and so ignorant as not to be cognizant of the teachings of history or the conclusions of modern sociology. Assertions so rude and bitter, hurled so promiscuously at all who possess individuality enough to assert an independent thought, sufficiently neutralize themselves. It is only with regard to their pernicious effect upon the propaganda of our cause with those who look to the Anarchists to exemplify Anarchy that I protest against them. Did they emanate from any but an Anarchist teacher, I would not notice the dumping of whole cartloads of them in my direction.

And, while here, I want to record my discouragement at seeing you endorse in your front page columns this policy of personal attack; bringing forward century-old quotations from Junius and Pope in support of a system of polemics that I had once fondly congratulated myself was a century, at least, behind the best spirit of this age. Such quotations had better be exhumed from their beds only as curious and regretful relics of an outworn barbarism of manners. What profit can there possibly be in obscuring the clear light of intellectual deliberation by scandalous exposures of those meannesses, mistakes, and moral sores which, alas! are the common diseases of us all.

I am continually balked, in my efforts to propagate liberty by lending Liberty, by the return of the paper from dispassionate readers with some such just criticism as this: "Yes, there are very good ideas there, but I am repelled by the moral tone of the paper. Why, if the editor is satisfied of the strength and justice of his position, does he manifest such irritability, harshness, and contempt toward all who question or differ from him?" To such criticisms, what can one reply except to plead for a distinction between a cause and its advocates, — a plea which never yet has availed much with human nature.

Leaving this unpleasant subject, I wish to inquire why Liberty manifestes animosity to moralists, morality, and to such terms as right, natural right, duty, etc., while it flaunts at its masthead a word belonging to the same vocabulary? Just as many errors of a theological and metaphysical nature have been associated with the term liberty as with any word in the whole glossary of ethics. Why do you retain and exalt this word, and attack other terms of the same ilk because of their perversion by ignorant or narrow-minded theorists? I can see no wisdom in running *a-muck* against terms and watchwords that for untold ages have been associated with every aspiration, every vital, inspiring, and onward movement of the race.

Are we to condemn the science of morality (the theory and practice of conduct conducive to human happiness) because it has been associated with theories of theism, transcendental ethics, etc., and yet not condemn the science of medicine because of its connection with the exorcism of evil spirits, alchemy, and such vagaries?

Admitting that man is a creature of circumstances, caught and held in an endless chain of cause and effect, and that the old theological idea of an absolutely independent will was a delusion, is there not a sense in which we can as truly speak of free will as of a free band, free trade, or free man? Admitting that the term duty has been connected with unverified theories of deity and conscience, is there not a true sense in which we today owe a duty to ourselves, and to others because of ourselves? Admitting that the term right has been associated with all sorts of baseless dogmas concerning the loyalty due the edicts of supernatural and human legislators; admitting there is no evidence of an abstract or transcendental code, and that a code superior to mundane circumstances, and to be obeyed regardless of results, is an absurdity, — are we to conclude that the idea of right, so universal and instinctive in man, is utterly foundationless in nature?

To me, it appears self-evident that, when we have an end to attain, there is always a possible combination and relation of circumstances better fitted (could we discover it) than any other possible combination or relation to secure that end. And this combination and relation, thus best fitted to secure the end, is, from the standpoint of the desire for that end, *the right*. From the standpoint of some other desire, it may be partly or altogether wrong; and from the standpoint of the first desire, there are other combinations and relations which would secure the desired end in a more or less imperfect manner, and are therefore more or less right and wrong. In brief, then, the science of right, in a broad sense, is the knowledge of those relations necessary to secure success in the pursuit of ends; in a special sense, the knowledge of those relations necessary to secure success in the pursuit of happiness.

Given the desired end, and the materials and forces constituting the environment, and the discovery of the relation necessary to perfectly secure that end becomes as straightforward a scientific problem as any in mathematics — admitting only one answer. The motions and relations of human beings are controlled by natural necessities (who can doubt it?) as inflexible as those controlling the relations of numbers, and when our knowledge of man's nature and constitution becomes as complete as our knowledge now is of mathematics, we can decide problems of right and wrong with the same scientific certainty with which we now solve problems in geometry.

In order to secure any desired end, there is a relation, existing potentially in nature, which it is absolutely necessary to effect to perfectly secure it, and that relation, thus existing potentially in nature, constitutes in regard to that end the *natural right*.

Thus, if the desired end be the harmony and smooth operation of society considered as an organism, it is manifest that, in the very nature of that organism, there must be certain possible relations of its parts (individuals) necessary to secure that result; and that these possible right relations would constitute man's natural social rights. Such, in brief, is my doctrine of right, and if any man can find in it anything contrary to the conclusions of history or sociology, let him not spare me.

As to my financial ignorance, I was the first to admit it, but I am surprised indeed (knowing your rule is to hit as hard as you can) that your criticisms on my free-money scheme are so few and light. You indeed assert it "most insecure"; but, as you simply make that as an incidental assertion, an assertion it remains.

You call it "communistic," which, as a mere word, probably sounds more terrible to you than to me. But when you proceed to show the injury of this communism, you give square criticism, and deserve a square reply. Your claim is that the insurance would be "simply" against "human folly" in its various forms. With this I cannot at all agree. In free society there would certainly be folly and failure, but the tendency of the whole social pressure would be to reduce this to a minimum, and I doubt if it would ever attain sufficient proportions to decrease the wealth of any considerable association.

The panics and failures of today do not much affect the aggregate wealth of the world, the wealth simply changing hands. In equitable commerce such panics and failures are not to be expected; neither will the present temptations to or facilities for speculation exist, nor will the devastations of war be probable. In a free confederation of men intelligent enough to join it, the great majority would be industrious, prudent, and economical, and the small and diminishing minority of lazy, foolish and reckless could not overbalance them. In such a community it would be reasonable to look for the aggregate wealth and prosperity to constantly increase, so far as human effort was concerned. No, those causes which would depreciate the wealth of a free community would be precisely those "acts of God" to which you refer as proper to insure against, — cyclones, earthquakes, pests, floods, frosts, epidemics. The only exception to this I can think of would be in the case of great conflagrations kindled by careless persons. But even in that case all the sufferers, except the originators of the fire, would be just as innocent of blame as if burnt out by "act of God," and the loss of the foolish kindler would not be a spark in the blaze.

As to simplicity — you know this, Comrade Tucker: Commerce, seeking ever its own ends, caring not a straw for communism, individualism, or any "ism," is, like every other organism, constantly reaching out for the simplest — that is, the most economical — means it can make effective in securing those ends. Money is a machine for the promotion of commerce, and simplicity, provided it be not at the expense of efficiency, is a merit in any machine.

J. WM. LLOYD.

My correspondent has once declared his willingness to leave the public to judge of the justice of Mr. Yarros's complaint regarding his method of controversy. Apparently he is no longer willing, since he now further defends himself before the public. But this willingness that was his is mine still, and I insist on going to the jury without argument. Let the jurors read the articles that Mr. Yarros and Mr. Lloyd have written, and decide whether Mr. Lloyd has not been guilty of substituting his own conceptions in order to lay a foundation for criticism.

A different, but kindred, error is that into which Mr. Lloyd falls in the last paragraph of his present article. In this instance he does not substitute his own conception, but so states his own conception as to make it appear that his opponent has disputed it when in reality he has done nothing of the sort. No one can read Mr. Lloyd's words without inferring that I have somewhere denied the virtue of simplicity *per se*. What I really said to Mr. Lloyd was this, in substance: Your claim of simplicity for your communistic money system is of no avail, for you secure simplicity at the expense of efficiency. Mr. Lloyd coolly answers: "Simplicity, provided it be not at the expense of efficiency, is a merit in any machine." If I should state that this answer is either foolish or knavish, I should present an alternative which, according to Mr. Lloyd, is used only by barbarians like Mr. Yarros. I do not wish to be considered a barbarian; so I content myself with the more civilized and more cumbersome remark that this answer either has no force in the connection in which it is resorted to, or else is an attempt to make my position appear what it is not. When Mr. Lloyd makes an answer to my real position, I shall take pleasure in considering it.

Still a third error in regard to the nature and method of controversy is Mr. Lloyd's assumption that one is bound to prove the affirmations of his opponent. For does he not complain that I have only *asserted* that his money-system is insecure? But why should I do more? Must I convince Mr. Lloyd of the truth of his own propositions? It was he, not I, that originally declared that any decrease of wealth in his community would depreciate the entire volume of its currency. Now, in the current language of finance, that is simply another way of saying that a currency is insecure. And here Mr. Lloyd may discover why my criticisms seem "few and light." When one answers a man by cataloguing his theorems and presenting their corollaries, his criticisms are bound to seem few and light to the propounder of said theorems. How they may seem to others depends upon their ability to appreciate the process of *reductio ad absurdum*.

The fourth in Mr. Lloyd's chain of errors is a very common one in logic, and consists in begging the question. To my contention that his system would encourage folly and failure, he replies that in equitable commerce panics and failures are not to be expected. True, but *is* the commerce proposed by Mr. Lloyd equitable commerce? That is the question at issue. I claim that Mr. Lloyd's money system is not equitable, for the reason that it does not provide for individual responsibility, without which, social experience teaches us, equity cannot exist except sporadically. The fact that in a free society the tendency is to reduce failure and folly to a minimum tells against Mr. Lloyd's system rather than for it, because this tendency is due to the freedom to form a banking system based on individual responsibility which will drive all communistic banking to the wall.

Leaving the question of money for the question of morality, I must first correct Mr. Lloyd's impression that Liberty is running *a-muck* against words. Liberty is doing battle with false ideas. It has no quarrel with ethical teachers who spread true ideas, even though they include morality, right, and duty in their terminology. If they make their use of these words perfectly clear, Liberty has no criticism to offer. It not being Mr. Lloyd's habit to accord liberty of definition, it is not to be expected that he should appreciate this discrimination.

But, though not running *a-muck* against words, Liberty carefully selects its own vocabulary. In making its choice it retains the word liberty and avoids the words morality and duty. It retains liberty because, despite the theological errors that, as Mr. Lloyd truly says, have been associated with it, the popular historical conception of liberty is one of which the modern Anarchistic idea is but an *extension*. It avoids morality and duty because the popular historical conception back of those words is one from which the modern Egoistic idea is a *revolution*.

"Admitting that a code to be obeyed regardless of results is an absurdity, are we to conclude," asks Mr. Lloyd, "that the idea of right, so universal and instinctive in man, is utterly foundationless in nature?" Well, yes, I think we may come to that conclusion. To be sure, Mr. Lloyd's own idea of right, which he then goes on to explain very rationally, is not foundationless in nature, but neither, unhappily, is it "universal and instinctive in man." Instead of being universal, it is held as yet only by a few, and, far from being instinctive even in these, it has been arrived at only after hard thinking or bitter experience. The uni-

versal and instinctive idea of right is that of "a code to be obeyed regardless of results."

Money and morality disposed of, let us talk a moment of manners. I am sorry that Mr. Lloyd looks on me, in this respect, as such a disgrace to my cause that he must beg others not to confound my person with it. Yet it is for the sake of the cause, and not from any desire for mercy, that I appeal to him to make no more such pleas to the class of readers he describes. When a reader refuses this paper because of its manners, it is safe to say that he doesn't appreciate its ideas, however stoutly he may pretend otherwise. Such a reader is not only "dispassionate," but *disrationate*. The man who really enjoys truth will be attracted by a clear statement of it, regardless of personal considerations. And Mr. Lloyd knows perfectly well that there is more clear exposition of the principle of liberty packed away in the 153 numbers that have been issued of this paper than in any other periodical ever published in America. But he may continue to apologize for me if he will; I certainly have no apology to offer for the tone which I purposely chose for the conduct of this journal. Perhaps some will understand it better if I make a declaration of sympathy with the paragraph that concludes the preface to Wordsworth Donisthorpe's new book on "Individualism":

> In conclusion I would add that I have little reason to expect popularity for this work. It is written without any party sympathy whatever. And I have deliberately adopted a tone rather polemic than apologetic, in the belief that dull and mealy-mouthed disputation is less calculated to rivet the attention and impress the memory than a more vigorous and uncompromising style of criticism. *And I have done this even when differing from those with whom I am, in the main, in accord.*

Italics mine. T.

F. Q. Stuart, editor of the Denver "Individualist," has lately published an article in the "Rocky Mountain News" to explain State Socialism and Anarchism and the difference between them. In it he says: "The Anarchists recognize and understand only one-half of the law of equal freedom, which is equivalent to, and perhaps worse than, no knowledge of it whatever." Mr. Stuart's statement would be more intelligible if he had pointed out the process by which the law of equal freedom may be halved, and specified the half which the Anarchists neither recognize nor understand. I must ask him to complete this strange indictment. He also says that "the Boston school of philosophic Anarchists" are against the State, but are "willing to compromise on voluntary associations." Since the Anarchists object to the State only because of its *compulsory* character, pray, where is the "compromise" in favoring *voluntary* associations? Says Mr. Stuart in conclusion: "If people can only be induced to 'think straight,' the social problem is solved." I fear that Mr. Stuart is not destined to solve it.

Herr Most still talks of the insignificance of the Individualist Anarchist movement, and the immense popularity which what he calls "Communist Anarchism" enjoys in contrast. Let us see: the list of Individualist Anarchist papers has but recently been lengthened by the addition of the "Twentieth Century" and the "Beacon" (temporarily suspended), and "Waterman's Journal" has been added to the list of candidates for philosophical Anarchism; while "Freedom" still remains the only organ of Communist Anarchism in English. Evidently Herr Most's wish (now farther than ever from realization) is father to his thought. But then, lack of fact and reasoning has always been the distinguishing characteristic of Herr Most's statements and assertions, alike in matters great and small. By the way, has Herr Most read the new edition of John Henry Mackay's "Sturm"?

H. A. Stephenson, one of the editors of Philadelphia "Justice," confidently claims that "the Anarchistic or vacant-land theory is about dead and ready for burial, with a host of other economic fallacies." I am curious to know the name of the proud knight who gave it its death-wound. He is certainly not among the muddle-headed followers of the single-tax prophet.

Individualism: A System of Politics.

REPLIES TO CRITICISMS.

Seldom has a writer the benefit of the best criticism before publication. Such, however, is my good fortune. Most of the chapters in the present volume have, in one form or another, come under the notice of those best qualified to judge of them. For this inestimable advantage, I am chiefly indebted to the Liberty and Property Defence League, which, by its system of free distribution of pamphlets and booklets among its members, has furnished me with a special circulation.

Referring to the chapter on "The State," Mr. Gladstone writes:

> I have read with much pleasure the pages to which you refer me, on account of the historic spirit which they breathe. It is, I incline to think, the most effectual solvent for all the difficulties of the case. A favorable reference to the American example as a basis from Mr. Parnell in no way surprises me. Forgive me if I say that, piecing together your letter and the pages, I am at a loss to discover your standing-ground as an opponent of Home Rule. May I hope that with you, as with many, it is an opposition in the past tense?

I have endeavored throughout to avoid what may be called party politics and subjects concerning which it is impossible to speak decidedly without labelling oneself with the party badge; and perhaps it is hardly accurate to describe the arguments contained in the first chapter (pages 14 to 20), for and against Home Rule in the abstract, as an opposition. It is true I have *voted* consistently against Home Rule, but this is simply because I have no definite idea of the meaning of the term. To some this may seem almost a droll admission in a book professing to treat of politics, but in my case it is nevertheless literally true. I know what some people mean by it, and I know what some other people mean by it; and I know several different things which it may reasonably be held to mean. But I do not know what the mass of the Liberal Party mean by it, and I am convinced that they do not know themselves. When I learn what it actually is, I shall act accordingly. But that in no way affects the arguments for and against the disintegration of States under specified circumstances. I may here add another apology for the advocacy of Home Rule. Those who admit that it is not always opportune or prudent to advance can hardly evade the implication that it is occasionally wise to retreat. A step backward is often the quickest and surest way forward. And it is competent for those who look with rejoicing on the ever-widening area of similar law to contend that, in any particular case, the step in that direction has been prematurely made, and that the safest way to secure the advance all along the line is to retire for a while from this particular outpost. Thus in cases of the too rapid subsidence of the parotid swelling in ordinary mumps, metastasis to other glands and even to the brain sometimes supervenes, in which cases "it may be right," says Dr. Watson, "as an auxiliary expedient, to try to reproduce the inflammation in the parotid by irritating applications, in the hope of thus producing what is called revulsion, and of diverting the disease from the brain to the part which it previously occupied."

The chapter on "The Structure of the State" was partly written in reply to the late Sir Henry Maine's "Popular Government," and it was therefore with satisfaction that I received a letter from him, in which he said: "I have read it with great interest, and much sympathize with the largest part of it." I regret that at the time he did not specify the smallest part of it with which he presumably did not agree. But there is little difficulty in ascertaining this. One of Sir Henry Maine's leading political ideas was that the democratic tendency is merely local and limited, and by no means universally or generally characteristic of social progress and civilization. So long ago as 1861 he wrote: "In spite of overwhelming evidence, it is most difficult for a citizen of Western Europe to bring thoroughly home to himself the truth that the civilization which surrounds him is a rare exception in the history of the world. The tone of thought common among us, all our hopes, fears, and speculations, would be materially affected, if we had vividly before us the relation of the progressive races to the totality of human life." After restating this in the work on popular government published in 1886, the writer continues: "To the fact that the enthusiasm for change is comparatively rare must be added the fact that it is extremely modern. It is known but to a small part of mankind, and to that part but for a short period during a history of incalculable length." So far from trusting democracy, the gifted author of "Ancient Law" seems to expect an eventual conflict between the forces of intelligence and the brute-force of numbers, and he himself has the "strongest suspicion that, if there really arise a conflict between democracy and science, democracy, which is already taking precautions against the enemy, will certainly win." I cannot share this pessimism. And in the second chapter I give my reasons for taking a more hopeful view of the democratic rule of the future.

The chapter on "Property" has not afore been printed. But some of the arguments, together with the definition of property, were set forth in a lecture before the Fabian Society early in the present year; and Mr. Robert Scott Moffat, who was present, made certain comments upon the lecture and upon the discussion ensuing which certainly deserve examination. "There is no subject," he wrote in the "Weekly Chronicle" (Feb. 16, 1889), "upon which greater confusion of thought and argument has arisen, for want of adequate definition of the things spoken of, than Political Economy. This truth was freshly impressed on my mind by a visit I paid recently to the Fabian Society. On that occasion an Individualist delivered a lecture on 'Private Property' which was followed by a long and lively discussion. And I noticed that a good deal of liveliness was imparted to the discussion by the different views taken by the speakers of the same thing. . . . The most important discussion turned upon the nature of private property; and upon this fundamental economic conception I found a dangerous concurrence of opinion.

"Two definitions found much favor with the Fabians, and what is more, both of them were generally accepted by the same speakers, as if they were entirely accordant with each other. The first definition was that of John Stuart Mill: 'The institution of property, when limited to its essential elements, consists in the recognition in each person of the right to the exclusive disposal of what he or she have produced by their own exertions, or received either by gift or by fair agreement, without force or fraud, from those who produced it.' A similar definition is given by Adam Smith: 'The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable.' This definition was referred to apparently with approval by the lecturer, and was accepted by the Socialist speakers as if it represented the only rational view of private property. Now this definition, notwithstanding the distinguished names by which it is supported, is about the most illogical definition of property that could be given. A man cannot exercise his labor unless he has materials to work upon; therefore property in labor cannot possibly be the foundation of other property. The material on which the laborer exercises his labor must be either his own property or the property of some one who employs him. In either case property is anterior to, and not consequent upon, labor; and in the latter case working upon another's property confers no right to that property, but only to the reward agreed upon for the work done."

That every one has or should have a right to the full fruits of his labor is a proposition which I accept as the teaching of history and experience. I have tried to show how the belief arose, in the ninth chapter; and in the seventh I have applied it to the solution of the labor question. But I have never regarded it in the light of a definition of property. I have not regarded it even as an axiomatic truth. On the contrary, I look upon the doctrine as one of those useful middle principles which save us the trouble of deciding each case on its merits as it arises, aided by no better lamp than the greatest welfare of the Group. As for Mill's explanation, it is merely one of those tedious identical propositions which bring us no nearer the truth. Taking the phrase "right to exclusive disposal" as roughly synonymous with "property," and substituting the latter word in lieu of the former phrase in Mill's rigmarole, we get this very enlightening piece of information: "Property is the recognition in each person of property in what he or she," etc.

I cannot admit that Smith's statement is open to the same objection. I think Mr. Moffat rather begs the question, when he asserts that the material worked upon must be either the property of one person or of another person. Originally I would submit, — that is to say, in the times of which Smith is speaking, — the materials would be the property of no person whatever, until they had been worked upon; when by common recognition they would become the property of the person whose labor had been embodied in them. And whether this actually was so or not, the fact that it probably or even possibly was so is a sufficient defence of Adam Smith against Mr. Moffat's charge. Probably in the semi-savage age of our ancestors, the man who cut a branch off a tree and shaped it into a spear took what belonged to nobody and what nobody thought of claiming; and moreover, when he had done this, the other members of his tribe would recognize his proprietary right in the spear. I think that Smith's statement represents a historic truth of great value; and that the moral he draws from it, though not logically warranted, is nevertheless sound. Moreover his statement does not profess to be a definition.

Commenting upon this same doctrine, Mr. William Morris thus excogitates: "To every man the fruits of his labor! Might one make bold to ask Mr. Donisthorpe what are the fruits of the labor of a duke, a shareholder, or a lawyer? The worst enemy of the non-producing classes would scarcely grudge them the fruits of *their* labor, — nothing, to-wit. If Mr. Donisthorpe is not misreported, this sentence is a curious one to come from a man who affects such exactness of thought."

Here it seems to me Mr. Morris makes the mistake which Mr. Moffat imputes to Adam Smith, — namely, of assuming that, because the earliest form of property which obtained recognition was probably that class of things which private persons had made or improved by their labor, therefore the only kind of property which ought to be recognized now is the same class of things. Mr. Morris is guilty of the *non-sequitur*, — not Adam Smith. Is Mr. Morris prepared to

prohibit by State force the right of gift? If not, he will on reflection see that the right of the duke is based either on his own labor or on the labor of those who have voluntarily handed the proceeds to him, by way of gift, or else for an equivalent. To say that he may have obtained it by fraud is no more relevant than to say that a workman may have drawn pay for work he has never done. What of it?

My own view of the rights of the laborer is based upon the indisputable fact that he is himself a form of capital, provided that my definition of capital is the correct one. The definitions of capital served up to us by the political economists are dealt with in Chapter V, and the late Professor Bonamy Price's opinion of that chapter was naturally most acceptable to me:

I never enjoyed anything so much in political economy. Its criticisms on economical theories seem to me perfectly delightful. Many of them I had myself made, either in the press or in class; but not in language so terse or so vivid as yours. The nonsense you punish so terribly has been the chief cause of the discredit which political economy has suffered of late years in the real world of fact. Men turn away from the jargon. What good can it do them? Who will ever express himself in such language? Who can get a practical rule out of it, worth the trouble of the reading? The world is the only sphere of political economy; its value rests there, not in scientific thinking. If it does not lead and guide mankind in their every-day life, it is a subject only for curious people. . . . Adam Smith, by living in this region, did more good for mankind than all the economists together who have lived since his day. But the "Wealth of Nations" is not a scientific work; nor did it exhibit the pretensions of the Ricardos and Mills, McCullochs and Macleods, which you fearfully expose.

I regret to say that, while thus endorsing the negative work I had accomplished, Prof. Price added that he could not approve the constructive part of my "Principles of Plutology," in which I endeavor to establish a true mathematical science of values on an inductive basis. The chapter on Capital originally appeared as an appendix to that work, and it is inserted here as a necessary prelude to the two succeeding chapters. The doctrine of labor-capitalization advocated in these two chapters has been described by those who have not troubled to understand it as visionary and unpractical; but the charge is rebutted by the testimony of two critics who can neither of them be accused of Utopia worship. Mr. Gladstone writes: "I sympathize with the purpose which you have in view, and have no adverse conviction as to the feasibility of gradual steps in the direction which you recommend." While Lord Derby, after reading the same two chapters, writes:

The difficulty of profit-sharing seems to me practically this, — that working-men are quite willing to share profits, but not to share losses; and also that, if they are to be paid by results, they will naturally claim a voice in the management, which in many branches of business at least it would not be easy to give them. I am not sure that, on a first reading, I have clearly made out how the system which you propose differs from that of profit-sharing, which you condemn. I dare say a second and more deliberate examination will clear up the difficulty. . . . . Let me say that, whether agreeing or dissenting, I always read your expressions of opinion with pleasure. They are original, carefully worked out, and clearly stated. Your leading idea, the inexpediency of continually calling in the State to interfere between man and man, is one which I am personally disposed to accept. But you will never get a democracy newly possessed of power to accept it. They will at any rate try what their voting power can do to improve their condition, and nothing but experience will teach them what legislation can and what it can not accomplish.

I fear this is all too true. All we can do is to hope that our new rulers will learn the lesson of liberty more rapidly than their predecessors did. And we may furnish grounds for this hope by increasing our efforts to convince them of the hopelessness of the permanent amelioration of society by means of State agency. It seems clear to me that wagedom and individualism are practically incompatible with democratic rule. For why should the effective majority — that is to say, the stronger party — the wage-receivers — rest content to live on under the "iron law"? Nothing could conceivably be worse for them. And perhaps this is the strongest reason for trusting that the rational system of labor-capitalization will be brought about earlier than seems at first sight probable.

Chapter VIII in its original form of a platform speech aroused a good deal of excited opposition at the time in certain quarters. Mr. William Morris, poet and politician, reviewed it in not very flattering terms in the Socialist paper, the "Commonweal."

A paper read by Mr. Wordsworth Donisthorpe at the Fabian Conference has been printed in the "Anarchist." It excited much interest at the time at which it was read, and aroused no little indignation in the minds of some of the socialists that heard it; but, being printed, it does not seem a very remarkable piece, being simply an example of the ordinary pessimistic paradoxical exercises which are a disease of the period, and whose aim would seem to be the destruction of the meaning of language. Thus Mr. Donisthorpe declares himself an evolutionist: but his evolution simply runs round the circle; and in fact, what he really means is the ordinary assertion that no condition of things but the present one is really natural and enduring: or, to put it in another way, that slavery is a necessity, and that the latest development is the best, as it is the most veiled and therefore the safest for the slave-holder.

This taunt has been flung at me by so many persons and from so many quarters that it may deserve a passing observation. In one sense it is true that that which is is best. That is to say, the present state of affairs is the only one which could by possibility have been. A successful attempt to have arranged it otherwise would have been a successful attempt to annihilate the universe. Therefore that which is is the best out of one, — the only possible one. Surely Mr. Morris will not describe this as either pessimistic or paradoxical? If so, I cannot argue with him here. I can only express my sincerest sympathy with him in his affliction. Mr. Victor Yarros brings the same absurd charge against me in connection with my defence of private property in land, which appeared in the "Personal Rights Journal." "Briefly Mr. Donisthorpe's position is that in land as in other matters whatever is is right, since the effective majority wills it so." And then he mildly proceeds: "It might easily be shown that neither statically nor historically is there a sufficient foundation for Mr. Donisthorpe's curious view of politics." What? the tripartition of Poland not right! Napoleon's *coup d'etat* not right! Coercion in Ireland not right! Turkish rule in Crete and Armenia not right! What next? And yet Mr. Yarros is actually prepared to prove it. To come down to common-sense again for a brief moment, what I mean to say is that we must recognize facts as we find them, and that any attempt to organize society on the assumption that human beings are what they are not is a mistake. Men are the outcome of evolution, and they might be better. But it does not follow that a system of society which would do very well for a community of Morrises and Yarroses would also do well for a community of Bill Sikeses and Archbishops. We must make the best of what we have got. Again, if Right means Lawful, then clearly everything must needs be right which squares with the will of the effective majority. If Right does not mean Lawful, then it must mean something else or nothing at all. If it means nothing, I have nothing to say about it. And if it means something else, then I ask: What does it mean? And I decline to budge another inch untill I am told what it means.

In the ethical sense in which I prefer to use the term, it means that which conduces to the ultimate welfare of the agent; and where that agent is the Community or organized Group, then that which harmonizes with the welfare of the Group is right. In this sense, that which is is mostly wrong. There we agree. We are of one mind, — Mr. Morris, Mr. Yarros, and myself. When we come to improving matters, we soon begin to differ again. Mr. Morris would re-arrange society on the assumption that we were all Morrises. (I wish we were, but that does not make it so.) While Mr. Yarros would put all the babies on rump-steak; he would treat human beings as though they were all mentally and morally grown-up. I admire his charity more than his prudence. In future I will ask both Mr. Morris and Mr. Yarros to keep perfect silence when I talk about rights or right until they have first taken the trouble to ascertain whether we are talking about the same thing or two different and altogether disparate things.

Finally, Mr. Morris says a good deal in the same article about what he calls the Religion of Socialism. I have tried to make out what he means by the expression, and I think I have succeeded. He means just what we all mean by Altruism, — just that and nothing more. He says:

In spite of his dyspeptic pessimism, human beings will always take interest in one another, and will have some sort of common aspiration: even (what doubtless will be a frightful word to Mr. Donisthorpe) some religion, some bond of responsibility to each other. It is impossible for no other relations between men to exist long save those between the bester and the bested, the slave and the slave-holder. Society will arise and grow in spite of all calculations founded on a one-sided view of men's struggles for self-preservation; nay, it exists now outside the world held together by those arbitrary rules which are sustained for the upholding of private property and which Mr. Donisthorpe really meant when he speaks of liberty. And indeed it is just that rudimentary and as yet vague society of well-wishers, into which people are attracted by the interest in each other as human beings, which holds the world together until it shall be forced into a completer society by the march of economical events. . . . I think we may, in spite of Mr. Donisthorpe, each one of us, make ourselves good enough for revolutionists, though in this generation we may fall short of perfection. Yet I admit that it is a difficult thing to do, for it means giving a sense of responsibility in greater or less degree to a great many people; so once more let us take warning by the enemy, and remember that the religion of Socialism which our manifesto speaks of does call upon us to be better than other people, since we owe ourselves to the society which we have accepted as the hope of the future.

I have quoted this passage at some length because, if we substitute the word Altruism for Religion of Socialism, it precisely expresses my own sentiments (barring of course the mistaken references to myself). I also admit that to elevate society into a higher plane all of a sudden is a "difficult thing to do," because it involves making the effective majority better than the average, which is very difficult. As Mr. Spencer well says: "You cannot get golden conduct out of leaden instincts." I am afraid that, in spite of Mr. Morris and his truly noble aspirations, the world will have to move forward step by step and not *per saltum*. There is some truth in the droning saw, "as it was in the beginning, is now, and ever shall be, world without end," though I have no wish to add either 'ear, 'ear, or Amen. On the contrary, I say: "More's the pity!" In the absence of any evidence of cataclysms or revolutions in the socialistic sense of the word, I must adhere to what I have stated in the ninth chapter, and which has received the endorsement of so enlightened and liberal a statesman as Lord Fortescue. Speaking at Westminster, he said:

Certainly the pushing of either principle, individualism or socialism, to extremes would be quite intolerable. I will quote, because his language is terser, more precise, and better than any I can find, a passage from an admirable and exhaustive essay of my friend, Mr. Wordsworth Donisthorpe, on the "Basis of Individualism," which appeared in the "Westminster Review." He says: "It may fairly be doubted whether there ever has been a restraint put upon individuals by even the most despotic of governments which may not at one time or another have been a necessary and beneficent concomitant of social evolution." Men must differ at different times and under different circumstances, and it must be left for the statesman to decide with regard to the circumstances of his own country at the particular time. We are not, however, without guidance on the subject. I may again quote the admirable conclusion at which Mr. Donisthorpe has arrived and which I entirely endorse: "As civilization advances, the State tends to throw off one chain after another that interferes with the free action of its members, while at the same time it becomes stronger, more regular, speedier, and more certain in performing the functions that remain to it."

One word about Chapter X, which deals with the attempts of knee-deep Socialists to solve the land question. Hitherto I must take the full responsibility of all I have suggested in the present work; but with regard to this chapter my responsibility is shared with others who are justly entitled to more attentive consideration than I pretend to be. This chapter, which deals with matters of fact and of law and jurisprudence on which mere opinion is out of place, was originally written for, read and adopted, and eventually published in their own names, by a committee consisting of Lord Bramwell, Lord Wemyss, Lord Pembroke, Mr. Henry Stephens, M.P., Lord Fortescue, and myself. Perhaps this may account for the fact that, although it was very widely circulated by that committee, those most concerned to refute it have contrived to maintain a very prudent silence. Chapter XII, which deals with the absolute individualism advocated by Mr. Auberon Herbert, still awaits the promised reply of that clear thinker and outspoken reformer. In the meantime, it is competent to any other absolute Anarchist to meet the arguments contained in it.

WORDSWORTH DONISTHORPE.

Nationalism "Sized Up."

[St. John Progress.]

"Nationalism," which is a sort of half-and-half Socialism dating its origin from a book called "Looking Backward," written by one Edward Bellamy, is giving employment to the lungs and pens of a number of amiable cranks in various parts of the United States. It was started in Boston, by the members of a mutual-admiration society, and its platform is "the progressive nationalization of industry." When it becomes as strong as the Republicans, it will ask the nation, as now existing, to take charge of the business of the country. At present it is drumming up recruits.

Bellamy's book, which is neither a novel nor an argument, seems to have received a good deal more attention than its merits demand, during the last year or so. The picture which it draws of life at the close of the twentieth century is to the ordinary mind an argument against socialism. It is too unreal, or if it could be conceived as real, it would be a life of thraldom at which the ordinary free man would rebel. The State becomes everything, and the individual nothing. There is no incentive to active, healthy life, and under such conditions most people would be resigned to die, in the hope of reaching a place where existence had less monotony.

Socialism is the radical remedy proposed for levelling the inequalities of society and alleviating the misery of mankind, by giving the ideal State everything, and receiving in return a maintenance of all classes. Competition is eliminated from the life of humanity. There is no struggle, and consequently no ambition. Nationalism is only an emasculated form of the same thing, made respectable by the presence of clergymen and Massachusetts reformers. Nationalism is a fad, and as such is being worked for all it is worth.

The Nationalists seek to nationalize the telegraph, telephone, railroads, and express business, just as the post office has been nationalized, regardless of the fact that all these institutions are more economically and better managed now than if under government control. They do not propose anything very sweeping or radical at the outset. They will try it a little at a time, as the man cut off the dog's tail. At present they have only some clubs, but the next move will be a national league and a party platform. After that the end is not hard to foresee.

The new form of socialism is not likely to succeed, not only because it is in bad hands, but because it is not in accord to the age. While it is a humiliating fact that the great bulk of the race likes to be governed, it is equally true that the tendency of the times is towards less government than in the past. There was a time when a king or a governor was a very much greater man than he is now. The people are beginning to learn, too, that while they are supposed to govern themselves, the actual ruling is done by political bosses and professional politicians. Under these circumstances they are apt to regard the State as a great cuttle-fish, and to allow it to seize as little as possible.

Neither Nationalism nor socialism are likely to prevail in an age when the sovereignty of the individual is not only asserting itself more and more, but is conceded by more liberal laws in the direction of personal freedom of action. There is just this to be said of sensible socialistic literature, among which "Looking Backward" is not included. It points out what is wrong in our social system, and it teaches the masses to reason and think. It is a process of evolution in the development of better things, and as such it has done, and will do, much good.

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